

FILED IN OPEN COURT

ON 1-24-13 1KM

**Julie A. Richards, Clerk
US District Court
Eastern District of NC**

UNITED STATES OF AMERICA,

Petitioner,

v.

RICHARD SAVAGE,

Respondent.


The United States (“petitioner”) seeks to civilly commit Richard Savage (“Savage” or “respondent”) as a “sexually dangerous person” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”), codified at 18 U.S.C. §§ 4247-4248. Pursuant to the Adam Walsh Act, after a hearing, if the court finds by clear and convincing evidence that a person is a “sexually dangerous person,” the court must commit the person to the custody of the Attorney General. Id. § 4248(d). A “sexually dangerous person” is one “who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others” Id. § 4247(a)(5). A person is considered “sexually dangerous to others” if “the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in restraining from sexually violent conduct or child molestation if released.” Id. § 4247(a)(6).

To obtain a commitment order against Savage, the government must establish three facts by clear and convincing evidence: that Savage (1) “has engaged or attempted to engage in . . . child molestation,” *id.* § 4247(a)(5); (2) currently “suffers from a serious mental illness, abnormality, or disorder”; and (3) as a result of the serious mental illness, abnormality, or

disorder, “would have serious difficulty in refraining from . . . child molestation if released,” id. § 4247(a)(6). See United States v. Hall, No. 11-7102, 2012 WL 34481, at *4 (4th Cir. Jan. 9, 2012); United States v. Comstock, 627 F.3d 513, 515-16 (4th Cir. 2010), cert. denied, 131 S.Ct. 3026 (2011).

On January 23 and 24, 2013, the court held a bench trial. On January 24, 2013, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The court finds by clear and convincing evidence that Savage is a sexually dangerous person under the Adam Walsh Act. Thus, he is hereby committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4248.

SO ORDERED, this 24th day of January, 2013,


GRAHAM C. MULLEN
Senior U.S. District Judge